Remarks

Claims 1-8, and 11-18 are pending, with claims 9 and 10 withdrawn.

Applicants would like to amend sole independent claims 1 and 2. The amendments in Claims 1 and 2 are disclosed on page 7, lines 6-8; page 9, lines 19-21 and page 10, lines 8-10 of the specification. As disclosed on page 7, lines 6-8 the produced foam breaks easily upon standing to recover the original fluid form. Based upon this teaching it is self-evident that the foam breaks when the foam is contacted with solid particles in a mixing device. No new matter is introduced into the claims by these amendments.

Applicants note that the Examiner has withdrawn the previous rejections and/or objections. Claims 1-7 and 11-15 have now been rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (U.S. Patent No. 4,642,903) in view of Seth et al. (U.S. Patent No. 4,721,709) and the Merck Index. Claims 1-2, 8, and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies in view of Seth et al. and the Merck Index as applied to claims 1-7 and 11-15 above, and further in view of The Chambers 21st Century Dictionary and the Collins English Dictionary.

Applicants respectfully submit that these rejections will become moot upon the entry of the amendments of Claims 1 and 2. First, Davies (U.S. Patent No. 4,642,903) et al. relates to a very different object than the present invention. Davies' object is to provide a method of preparing *freeze-dried* foams that include one or more active ingredients *(column 1, lines 67-68 and column 2, lines 1-2)*. At least some portion of the gas dispersed within the solution or suspension must be maintained in a dispersed state during the freeze-drying process, since the dispersed foam is necessary to formation of the foam-like structure of the resulting freeze-dried foam. The dispersed gas bubbles are "trapped" with the solution or suspension as it is frozen, thus forming the foam-like structure *(column 3, lines 29 – 38)*.

In contrast to Davies' process, in step b) of the process of the present invention, the produced foam is contacted with solid particles of an average size of up to 2500 micrometers in a mixing device, which causes the produced foam to break and the foam components to disperse in the mass of solid particles. Applicants object is not a stable foam, but rather a homogeneous dispersion of a

surfactant and optional other foam components in a mass of solid particles without the disadvantages experienced with dispersing a liquid in the mass of solid particles. In the process of the present invention a surprisingly homogeneous dispersion of the surfactant and optional other foam components in the mass of solid particles is achieved without the need of expensive and complex atomizing devices that would be otherwise required for dispersing droplets of fine liquid in the mass of solid particles and without inhomogeneous distribution of liquid in the mass of solid particles *(page 1, lines 12-26 and page 10, lines 8-16 of the present specification).*

Claim 1 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent 7,070,828. Applicants will file a terminal disclaimer once the claims are otherwise allowable, if the rejection is repeated.

The Examiner is cordially invited to call the undersigned if it will facilitate prosecution.

Respectfully submitted,

/Brian J. Hubbard/

Brian J. Hubbard
Registration No. 45,873
Phone: 1-989-636-6007

P. O. Box 1967
Midland, MI 48641-1967

BEG/bjh/srl